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Construction Acquisition

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Overview

- ✈ Customers
- ✈ A-E background Info
- ✈ Construction background Info
- ✈ WPAFB construction projects
- ✈ Environmental program



Construction Education

- Section training
- On the job training
- DAU Courses Offered:
 - CON 243
 - Focuses on the unique aspects of contracting for professional A&E services. Specifically acquisition planning source selection, proposal analysis, contract award, and work/contract management.
 - CON 244
 - Focuses on the unique aspects of construction contracting. Topics include project planning, funding, environmental concerns, reviews of government estimates, overhead calculations, Construction Specification Institute format, contractability reviews, labor laws, bonds, partnering, design/build, turn-key, pre-construction meetings, liquidated damages, etc.



Our Customers

(And how we support them)

✈ Civil Engineering (88ABW/CE)

- A-E ID/IQ Contracts
- Stand-alone construction contracts
- SABER
- Other ID/IQ contracts (single trades)
 - Roofing
 - Asbestos removal
 - Paving

✈ Environmental Management (88ABW/CEV)

- A&E ID/IQ Contracts
- Remedial Action ID/IQ



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Project Funding

- ✈ Primary is Operation & Maintenance (O&M) Funds – 3400
 - Minor Construction - limited to \$750,000
 - Sustainment, Maintenance and Repair (SRM)
- ✈ Over \$5,000,000 must be funded by MILCON – 3300
 - Awarded by U.S. Army Corps of Engineers

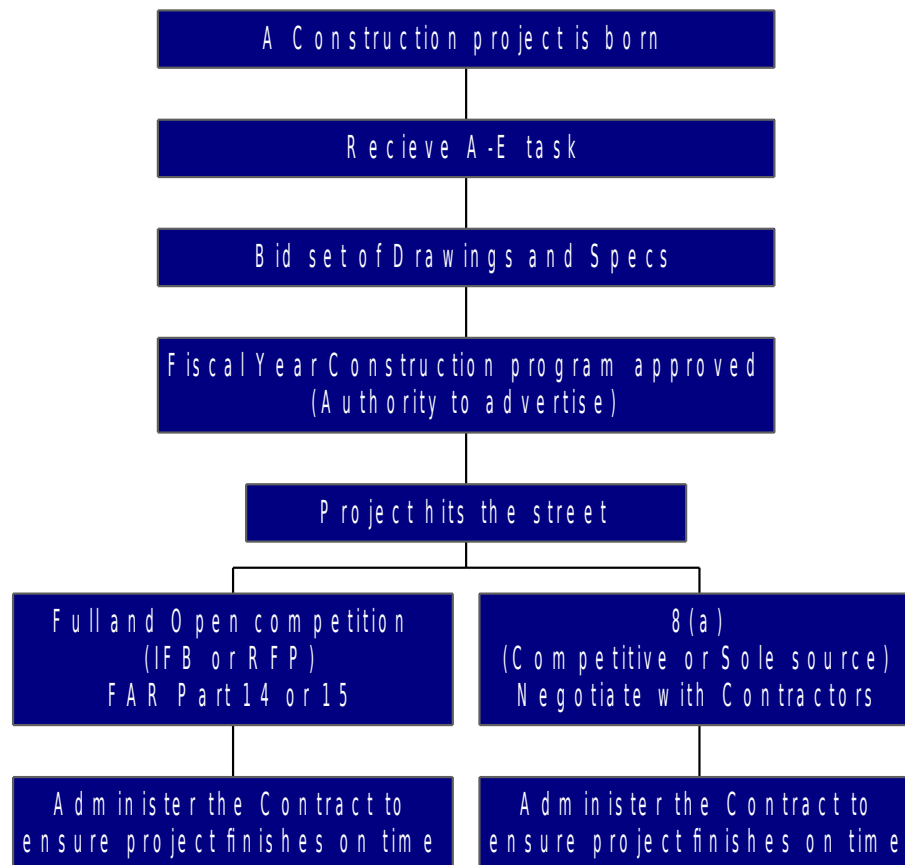


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Construction Process Overview

Design-to-Build
Construction Process Overview





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Architect-Engineer services



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A-E services defined

- Professional services of an architectural or engineering nature that are required to be performed or approved by a person licensed, registered or certified to provide those services.
- Professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property.
- Those other professional services of an architectural or engineering nature that members of those professions may logically or justifiably perform, including studies, surveying and mapping, tests, evaluation, comprehensive planning, conceptual designs, plans and specifications, soils engineering, drawing reviews, etc.



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Governing Guidance

- ✈ FAR and DFARS Subpart 36.6
- ✈ 10 U.S.C. 2807, Architectural and Engineering Services and Construction Design
- ✈ 10 U.S.C. 9540, Architectural and Engineering Services
- ✈ 40 U.S.C. 541-544, Brooks Act
- ✈ AFPAM 32-1005, Working in the Engineering Flight



A-E Contracting

Special Aspects



- ✈ Does not follow procedures in FAR 13, 14 or 15
 - A-E selection process in FAR 36.6
 - Potential contractors submit qualifications
 - Evaluation board lists firms in order of preference
 - Negotiations conducted with most qualified.



A-E Contracting

Special Aspects



✈ A-E clauses

- 52.236-22, Design Within Funding Limitations
- 52.236-23, Responsibility of the Architect-Engineer Contractor
- 52.236-24, Work Oversight in Architect-Engineer Contracts
- 52.236-25, Requirements for Registration of Designers



A-E Contracting

Special Aspects

- ✈ Title I - Design Services
 - Production of designs and investigative work needed to execute a construction project.
- ✈ Title II - Supervision and Inspection Services
 - Associated with project under construction
- ✈ Six Percent Statutory Fee Limitation (Brooks Act)
 - Fee attributable to the producing and delivering designs, plans, drawings, and specifications ***cannot*** exceed the statutory limitation of six percent of the *estimated* construction costs



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A-E Task Procedures

- ✈ Statement of Work provides scope of project
- ✈ Negotiation based on disciplines and hours
- ✈ Site work by contractor
- ✈ Submittals at 10%, 35%, 65%, 95%, 100%
- ✈ Design reviews after each submittal



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Construction



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Construction Defined

- ➔ Construction, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other real property
- ➔ For purposes of this definition, the terms “buildings, structures, or other real property” include but are not limited to improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, and so on
- ➔ Does not include the manufacture, production, furnishing, construction, alteration, repair, processing, or assembling of vessels, aircraft, or other kinds of personal property



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Governing Guidance

- ✈ FAR and DFARS Part 36, AFFARS – Informational Guidance (IG 5336.9201), includes Simplified Acquisition of Base Engineer Requirements (SABER)
- ✈ 10 U.S.C. 2802, Military Construction Projects
- ✈ 10 U.S.C. 2805, Unspecified Minor Construction
- ✈ AFI 32-1032, Planning and Programming of Real Property Maintenance
- ✈ AFI 32-9001, Acquisition of Real Property
- ✈ AFI 32-1023, Design & Construction Standards



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Acquisition Methods

✈ Performance-Price Tradeoff

- RFP – FAR Part 15
- Preferred method

✈ Sealed Bidding

- IFB – FAR Part 14
- Used when project is not complicated or time is limited
- Can only consider price – public bid opening



Construction Contracting

Special Aspects



- ✈ Disclosure of the Magnitude of construction projects - FAR Part 36.204
- ✈ Liquidated Damages - FAR Part 36.205
- ✈ Distribution of advance notices and solicitations - FAR Part 36.211



Construction Contracting

Special Aspects (Cont)

✈ Governed by Davis-Bacon Act

- Contracts > \$2,000 for construction, alteration, or repair (including painting and decorating) . . .no laborer or mechanic employed directly upon the site of the work shall receive less than the prevailing wage rates as determined by the secretary of Labor. -- FAR 22.403-1

- Wage Determinations -- FAR 22.404-1 and 2
 - Building construction (admin, hospitals, etc.)
 - Residential construction (single family houses, apts. No more than 4 stories)
 - Heavy and Highway (streets, parking lots, sewer lines, etc.)



Construction Contracting

Special Aspects (Cont)

- The Miller Act requires performance and payment bonds for any construction contract exceeding \$100,000, except that this requirement may be waived:
 - By the C.O. for work to be performed in a foreign country.
 - As otherwise authorized by the Miller Act or other law. -- FAR 28-102-1(a), (Clause FAR 52.228-15)
- ... Except as provided in paragraph (c) of this subsection, bid guarantees shall be required whenever a performance bond or a performance and payment bond is required. -- FAR 28-101-1 (a)
 - The chief of the contracting office may waive the requirement ... if it is determined that a bid guarantee is not in the best interest of the Government for a specific acquisition. -- FAR 28-101- (c)



Construction Contracting



Special Aspects (Cont)

✈ Bread and butter construction clauses

- 52.236-2, Differing Site Conditions
- 52.236-3, Site Investigation and Conditions Affecting the Work
- 52.236-5, Material and Workmanship
- 52.236-6, Superintendence by the Contractor
- 52.236-9, Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements
- 52.236-11, Use and Possession Prior to Completion
- 52.246-12, Inspection of Construction



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Simplified Acquisition of Base Engineer Requirements (SABER) Overview



- ✈ SABER contracts are fixed-priced indefinite-delivery/indefinite-quantity (ID/IQ) with provisions for economic price adjustments
- ✈ SABER contracts include a collection of detailed task specifications that encompass most types of real property maintenance, repair, and construction work
- ✈ Governed by Air Force Contracting Construction Guide, June 2006 - (IG 5336.9201) includes SABER guidance



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SABER Purpose

- Expedites contract award of civil engineering requirements by reducing civil engineer design work and acquisition lead time
- Delivery orders for individual projects can be estimated, proposed, negotiated, and issued in 3 to 4 weeks
- Projects priced according to commercial pricing tools called the Unit Price Guides (e.g., WinEstimator Inc, Timberline Software, and R.S. Means)
- SABER best suited for non-complex, minor construction and maintenance and repair projects that require minimum design
- Coefficients are factors multiplied against standard unit prices in the UPG to calculate Task Order prices.



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SABER (con't)

✈ Limitations on SABER projects

- SABER does not replace traditional construction programs
 - It is not appropriate for large, complex projects that require extensive design effort
 - ... or for predominately single skill/material projects for which competitively bid contracts or single trade IDIQ contracts would be more cost effective
 - Architect-Engineer (A-E) services



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Environmental Program



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Architect-Engineer (A-E) Environmental Contracts

- ✈ Provide contracting vehicles for services such as:
 - Prepare Permit Applications
 - Developing & Maintaining Action Plans
 - Support the AF in incorporating pollution prevention into base programs such as reducing or eliminating the use, release, and disposal of hazardous materials, ozone depleting chemicals, municipal solid wastes and air emissions.
 - Prepare Impact Statements
 - Records of Decision
 - Environmental Assessments
 - Special Studies (Historic Preservation, Fish & Wildlife, Outdoor Recreation, aviation and noise analysis)

These contracts are primarily for studies and design, not for “cleanup” type



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Remedial Action Contracts (Clean-Up)

- ✈ Provide contracting vehicles for services/construction such as:
 - On - site source control:
 - Thermal destruction
 - Soil washing and soil vapor extraction
 - Surface water controls (grading, re-vegetation, dikes, channels, sedimentation basins, levees, etc.)
 - Air pollution controls (gas collection/control systems, dust suppressant, wind screens, etc.)
- ✈ Spill Response/Remediation (after the immediate spill is “contained”)
- ✈ Operation and Maintenance of projects facilities
These contracts are primarily for “cleanup” not studies and design



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The End